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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,442	04/14/2004	Richard L. Rowe	SFV 307	8338

23581 7590 06/19/2006

KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

EXAMINER

BARKER, MATTHEW M

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,442	Applicant(s) ROWE ET AL.	
	Examiner Matthew M. Barker	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al. (5,455,590).

Regarding claims 1-3 and 10-12, Collins discloses the claimed system (Figure 5), and method including the claimed first sensor apparatus (530) (column 10, lines 29-31) transmitting toward and receiving from a subject (501) electromagnetic radiation in the range of about 100 MHz to about 2 THz, the sensor apparatus producing a first image signal representative of a first image of at least a portion of the subject (column 10, lines 37-43); a second sensor apparatus (520), different from the first, adapted to detect a given characteristic in different regions of the subject of an object potentially carried by the subject (column 10, lines 20-25) not based on the first image signal; and a controller (560) adapted to control operation of the sensors and to produce image data representative of the image of at least a portion of the subject, to produce relational information about whether the person is carrying an object having the given characteristic, to determine whether the image includes object-image characteristics corresponding to an object on the person, and to operate the second sensor apparatus

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to produce object information about whether the object has the given characteristic (column 10, lines 37-43).

Regarding claims 5-7 and 13-15, the claims are considered met by Collins, who teaches using the controller to create an image from both the first and second sensor apparatus, thereby associating each detection of a given characteristic with a corresponding region of the subject, relating each portion of the image that includes object-image characteristics with one of the regions of the subject; determining whether each region of the image that includes object-image characteristics is associated with the detection of the given characteristic; detecting portions of the image having object-image characteristics, and controlling the second sensor to detect the given characteristic in regions corresponding to the positions of the image having object-image characteristics. (See column 10, lines 15-43.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 8-9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al.

Regarding claim 4, Collins does not explicitly disclose that the second sensor apparatus (520) includes a moving mechanism to move the sensor apparatus relative to the subject position; however it is well known to move surveillance cameras relative to a subject position, and it would have been obvious to modify Collins to include the claimed mechanism so video images could be taken of the entire subject.

Regarding claims 8-9 and 16, Collins discloses a first moving mechanism adapted to move the first sensor relative to the subject position (column 15, lines 38-41). Collins does not explicitly disclose that the second sensor apparatus (520) includes a moving mechanism to move the second sensor apparatus relative to the subject position and first sensor; however it is well known to move surveillance cameras relative to a subject position, and it would have been obvious to modify Collins to include the claimed mechanism so video images could be taken of the entire subject and match up in real-time with the images produced from the first sensor apparatus so the operator may easily identify where on the person an object exists.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art relates to various imaging systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew M. Barker whose telephone number is (571)272-3103. The examiner can normally be reached on M-F, 8:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MMB

Thomas H. Tarcza

THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600